

REMARKS

Applicant thanks the examiner for the detailed remarks and analysis. A revised Figure 1 is included with this response to include the correct cross-hatching for parts 18 and 34. Not that part 18 is not resin or plastic. The example illustrated in Figure 1 includes a copper sealing element 18.

The specification and claims have been amended according to the suggestions provided by the Examiner and comply with 35 U.S.C. §112. No amendments beyond those suggested by the Examiner have been made. Applicant requests reconsideration of the claims for the following reasons.

Applicant respectfully traverses the rejection of claims 1-8, and 10-14 as being anticipated by Totani (U.S. 4,660,868). Totani does not disclose a support member adapted to be fixed to a panel. The examiner is reading the ring 10 as the claimed support member. There is no disclosure in Totani that discloses or remotely suggest that the ring 10 is adapted to be fixed to a panel or any other structure. The ring 10 is provided to secure the sleeve 7 to the pipe. Nothing that discloses or suggests adaptation for mounting to a panel. The examiner's reading ignores the limitation that the support is adapted to be fixed to the panel recited in the preamble. As appreciated language that makes a structure optional may not limit the claim (MPEP 2111.04). However, language that functions to limit the claim cannot be ignored. In this case, the preamble along with the support adapted to be fixed to the panel are functional limitations that cannot be ignored and that are not disclosed or suggested by Totani.

Additionally, claim 10 requires a support attachable to a panel,, where the support includes an opening for a fluid supply pipe. The ring 10 of Totani cannot disclose or suggest this feature. There is no provision or structure provided by ring 10 for attachment to any panel.

The examiner has noted that the panel and fluid supply pipe are not part of the claimed invention. However, this does not remove the structural limitations that relate to the panel and the fluid supply part. Notably, the limitations requiring the support to be attachable to the panel remains a claimed feature and cannot be ignored.

Further, the dependent claims include feature that cannot be anticipated by Totani. What follows are illustrative examples and is not intended to be an exhaustive listing.

Totani does not disclose the limitation that the connection member is adapted to have a shower head or hose connected to it as is required by claim 3. No cite or structure in Totani discloses or remotely suggests this feature.

Totani does not disclose the limitation of a cover member adapted to engage and conceal the assembly as is recited in claim 4. The Examiner provides no cite, or reference to any structure that discloses this feature.

Totani does not disclose that the support member includes a plate portion as is recited in claim 5. The examiner is reading the front surface of the ring 10 as the claimed plate portion. This reading is not supported by the reference or by skill in the art. Although, the examiner can broadly read limitations, such a reading cannot be contrary to the understanding in the art. In this case, reading a front surface of a nut as a plate for abutting a front base of a panel is simply not supportable.

Totani does not disclose a support that is attachable to a panel that includes a sleeve disposed between the fluid supply pipe and the opening in the support as is required in claim 11. The ring of Totani does not include features for attaching to a panel and certainly does not include the required sleeve.

Totani does not disclose a seal disposed around a supply pipe and between the sleeve and the conduit as is required by claim 12. Instead, Totani discloses a seal about an outlet pipe. This is not the same as the claimed structure. Even though the supply pipe is not part of the claim, the structure and position of the seal being disposed around the supply pipe is and cannot be ignored.

Claim 13 requires that the support include a face portion that abuts the panel and a cylindrical portion that extends through the panel about the fluid supply pipe. Claim 14 requires that the face portion is attachable to the panel. These features are simply not disclosed in anyway by Totani. The limitations relating to the panel are structural features that relate to the claimed support and therefore cannot be ignored. For these reasons, Applicant requests reconsideration and withdrawal of the rejections over Totani.

Applicant respectfully traverses the rejection of claims 1-3 as being anticipated by Richter (U.S. 5,382,057). Richter does not include a support member adapted to be fixed to a panel. The cited 112 retainer is not adapted to be attached to any panel. Instead, the 112 retainer disclosed in Richter is merely for retaining the nut 100. The retainer 112 is merely a clip and is in no way adapted to attach a support to a panel. As discussed above, the limitation that the support is

attachable to a panel is a structural feature that cannot be ignored. Richter does not include this feature and therefore cannot anticipate claim 1.

Claims 2 and 3 depend from claim 1 and are also in allowable form. Claim 9 depends from claim 1 and was rejected as being obvious over Totani. Claim 1 includes features not disclosed or suggested by Totani and therefore claim 9 is also in allowable form.

No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully Submitted,

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Dated: April 28, 2008